

DEMBO, BROWN & BURNS LLP  
Kyle F. Eingorn, Esquire  
1300 Route 73, Suite 205  
Mount Laurel, NJ 08054  
e-mail: keingorn@dbblegal.com  
(856)354-8866  
Attorney for Creditor, National Loan Investors, LP

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY

In re:	CHAPTER 13
ANTERO B. GONZALES, JR.,	Case No.: 18-15827-KCF
Debtor	The Honorable Kathryn C. Ferguson, U.S.B.J.
	Hearing Date: September 12, 2018

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

Secured Creditor, National Loan Investors, L.P. ("NLI"), by and through its undersigned counsel, does hereby respectfully object to the confirmation of the Debtor's Chapter 13 plan as follows:

1. NLI is the holder of the Note, Mortgage, and Assignment of Leases (the "Loan Documents") securing the Debtor's commercial real property located at 246 South Street, Freehold, New Jersey 07722 (the "Property"). Copies of the Loan Documents are attached to NLI's Proof of Claim [Claim 2-1].

2. On or about May 31, 2018, NLI filed its proof of claim in this matter [Claim 2-1], which reflects arrearages of \$13,541.89 related to the Debtor's obligation under the Loan Documents.

3. The Debtor's Plan [Doc 11] incorrectly states that the loan to NLI is current and does not provide for payment of the arrearage amount to NLI.

4. The Debtor's Plan fails to provide for payment of the outstanding real estate taxes on the Property. As can be seen in Exhibit A attached hereto, there is currently \$43,579.09 due and owing from the Debtor to the Freehold Township Tax Office in unpaid real estate taxes, special charges and accrued interest.

5. Lastly, the Debtor's Schedule I [Doc 10 at p. 4] provides that his income is derived from rents or operation of a business. To the extent that the Debtor is seeking to pay his plan with rents derived from the Property, NLI objects.

6. Based upon the Third Circuit Court of Appeal's holding in First Fidelity Bank, N.A. v. Jason Realty, 59 F.3d 423 (3d Cir. 1995), due to the operation of NLI's absolute Assignment of Leases, any rents derived from the Property cannot be used by the Debtor as a funding source for the Debtor's Plan of Reorganization.

7. Without further information, it is unknown whether the Debtor can confirm a plan without the use of the rents, if any.

WHEREFORE, secured creditor, National Loan Investors, L.P. objects to the confirmation of the Debtor's Chapter 13 Plan.

DEMBO, BROWN & BURNS LLP  
Counsel for National Loan Investors, LP

By: /s/ Kyle F. Eingorn  
Kyle F. Eingorn, Esquire

Dated: August 29, 2018

**EXHIBIT “A”**

TAX DELINQUENT NOTICE  
FREEHOLD TOWNSHIP  
FREEHOLD TOWNSHIP TAX OFFICE  
1 MUNICIPAL PLAZA  
FREEHOLD, NJ 07728

Phone: (732)294-2025 Fax: (732)294-1736

Prop Loc: 246 SOUTH ST  
Block/Lot: 52. 2.  
Account Id: 02103000  
Bank Code:  
Notice Date: 08/07/18  
Interest Through: 08/31/18

GONZALES, ANTERO  
30 MAYBERRY DR  
TINTON FALLS, NJ

07724

Taxes	Yr/Prd	Principal	Interest	Total
	16 1	2,174.65	728.51	2,903.16
	16 2	2,174.65	728.51	2,903.16
	16 3	2,303.26	771.59	3,074.85
	16 4	2,303.25	758.92	3,062.17
	17 1	2,238.96	636.98	2,875.94
	17 2	2,238.95	536.23	2,775.18
	17 3	2,214.18	430.66	2,644.84
	17 4	2,214.17	331.02	2,545.19
	18 1	2,226.57	232.68	2,459.25
	18 2	2,226.56	132.48	2,359.04
	18 3	2,254.66	32.69	2,287.35

Total Taxes 29,890.13

Special Charges

Tax	Yr/Prd	Principal	Interest	Total
	13 3	1,302.25	149.76	1,452.01
	13 4	2,092.03	240.58	2,332.61
	14 1	2,167.81	249.30	2,417.11
	14 2	2,167.81	249.30	2,417.11
	14 3	2,273.60	261.46	2,535.06
	14 4	2,273.60	261.46	2,535.06

Total Tax 13,688.96

TOTAL DUE 43,579.09

TAX DELINQUENT NOTICE  
FREEHOLD TOWNSHIP

Notice Date: 08/07/18  
Interest Thru: 08/31/18

Type  
Taxes  
Sp Charges  
Total

Principal	Interest	Total
24,569.86	5,320.27	29,890.13
12,277.10	1,411.86	13,688.96
36,846.96	6,732.13	43,579.09

GONZALES, ANTERO  
30 MAYBERRY DR  
TINTON FALLS, NJ

07724

Prop Loc: 246 SOUTH ST  
Block/Lot: 52. 2.  
Account Id: 02103000  
Bank Code:

